

REMARKS / DISCUSSION OF ISSUES

Claims 1-27 are pending in the application.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Examiner is respectfully requested to state whether the drawings are acceptable.

The Office action rejects:

claims 1-4, 19-21, and 23-27 under 35 U.S.C. 102(b) over Tomooka et al. (USP 5,909,262, hereinafter Tomooka);

claims 5-18 under 35 U.S.C. 103(a) over Tomooka and Miyake et al. (USP 6,788,108, hereinafter Miyake); and

claim 22 under 35 U.S.C. 103(a) over Tomooka and Abe (USP 5,694,369). The applicants respectfully traverse these rejections.

Claim 1 is amended to include the second voltage-controlled capacitor; claim 5 originally included this feature. In the rejection of claim 5, the Office action acknowledges that Tomooka does not disclose a second voltage-controlled capacitor, and asserts that Miyake teaches the use of two voltage dependent capacitors. The applicants respectfully disagree with this assertion.

The Office action notes that Miyake's capacitors 2154 and 2155 are transistors, and therefore have voltage-controllable capacitance. The applicants agree with this fact, but respectfully note that Miyake's capacitors 2154 and 2155 are not configured as voltage dependent capacitors. The use of capacitors 2154 and 2155 in Miyake's design is not dependent upon changing the capacitance of these capacitors. In the interest of advancing prosecution in this case, claim 1 is amended to specifically recite that the first and second capacitors are configured as voltage-dependent capacitors.

Even assuming in argument that Miyake's capacitors are voltage-dependent capacitors, the applicants respectfully maintain that Miyake's teachings will not lead one of skill in the art to modify Tomooka in the fashion claimed by the applicants.

In KSR Int'l. Co. v. Teleflex, Inc., the Supreme Court noted that the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed:

"Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**" KSR, 82 USPQ2d 1385 at 1396 (emphasis added).

There is no apparent reason to change Tomooka's fixed-capacitance capacitor into a voltage-dependent capacitor. Tomooka teaches this conventional fixed capacitor, and Miyake does not address voltage-dependent capacitors.

The Office action asserts that one of skill in the art would combine Tomooka and Miyake to "give the designer greater control on the voltage applied to the pixel which would affect the image quality". The applicants agree that any change to Tomooka's design is likely to affect the image quality, but there is no indication that modifying Tomooka's pixels to use Miyake's teaching of two capacitors formed by transistors would affect the image quality in a favorable manner.

Tomooka specifically refers to the fixed-capacitance capacitor as the "pixel capacitor", which is conventionally interpreted to be the capacitance of the pixel-element itself (the light-emitting element or light-passing element). Based on traditional knowledge and engineering principles, one of skill in the art would be reluctant to change the basic structure of a pixel-element to form a pixel-element whose inherent characteristics vary with voltage, and would be reluctant to apply varying control voltages to the pixel-element to change its capacitance.

Further, even assuming in argument that Tomooka's fixed-capacitance capacitor could be arranged using a transistor as taught by Miyake, neither Tomooka nor Miyake provide any information regarding how the varying of this capacitance would be useful, nor any information regarding how to control the two capacitances to achieve a useful result. The mere fact that two voltage-dependent capacitors exist does not provide a reason for using two voltage-dependent capacitors in any given

design. Absent the applicants' teachings, one of skill in the art would not arrive at the applicants' claimed invention based on the teachings of Tomooka and Miyaka and/or the available background information at the time of the applicants' invention.

Because the combination of Tomooka and Miyaka fails to disclose the elements of the applicants' claimed invention, and because there is no apparent reason to combine the teachings of Tomooka and Miyaka in the fashion claimed by the applicants, the applicants respectfully maintain that claims 1-27 are patentable over the prior art, and respectfully request the Examiner's reconsideration and withdrawal of each of the above cited rejections.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/  
Robert M. McDermott, Esq.  
Reg. 41,508  
804-493-0707

**Please direct all correspondence to:**  
Corporate Counsel  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001